

## **EXHIBIT D**

04/16/2007 11:38 FAX 212 805 7942

JUDGE ALVIN HELLERSTEIN

002/002

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEVE ZABLOCKI,

Plaintiff  
-against-TULLY CONSTRUCTION COMPANY, INC.,  
TULLY INDUSTRIES, INC., and DEUTSCHE  
BANK,

Defendants.

ALVIN K. HELLERSTEIN, U.S.D.J.:

By letter dated March 29, 2007, plaintiff Steve Zablocki requests that I transfer his case from the 21 MC 100 docket, which is subject to a stay by the United States Court of Appeals for the Second Circuit, to the 21 MC 102 docket, which is not.

Mr. Zablocki's complaint alleges that he worked at the Deutsche Bank building at 130 Liberty Street from October 15, 2001 to December 15, 2001. This location is considered part of the World Trade Center site, as defined in Case Management Order No. 3, 21 MC 100 (Feb. 7, 2005). In addition, defendant Tully Construction Company, Inc., is one of the 21 MC 100 contractors that joined the City of New York's interlocutory appeal to the Second Circuit, which resulted in the aforementioned stay. Therefore, the motion is denied. Plaintiff's case shall remain classified as related to 21 MC 100, and remain subject to the Second Circuit's stay.

SO ORDERED.

Dated: April 17, 2007  
New York, New York



ALVIN K. HELLERSTEIN  
United States District Judge

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